

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MARY ELIZABETH PITRELLO,

Case No.: 2:22-cv-00835-APG-EJY

Petitioner

Order

v.

G. NAJERA, et al.,

Respondents

Mary Elizabeth Pitrello has submitted a *pro se* petition for writ of habeas corpus. ECF No. 1-1. She has now paid the filing fee. See ECF No. 4. Accordingly, her application to proceed *in forma pauperis* is denied as moot. I have reviewed the petition under Habeas Rule 4 and direct that it be served on respondents.

A petition for federal habeas corpus should include all claims for relief of which the petitioner is aware. If the petitioner fails to include such a claim in her petition, she may be forever barred from seeking federal habeas relief upon that claim. *See* 28 U.S.C. §2244 (successive petitions). If Pitrello is aware of any claim not included in her petition, she should notify the court of that as soon as possible, perhaps by means of a motion to amend the petition to add the claim.

Pitrello has also submitted a motion for appointment of counsel. ECF no. 1-2. There is no constitutional right to appointed counsel in a federal habeas corpus proceeding. *Luna v. Kernan*, 784 F.3d 640, 642 (9th Cir. 2015) (citing *Lawrence v. Florida*, 549 U.S. 327, 336–37 (2007)). Whenever the court determines that the interests of justice so require, counsel may be appointed to any financially eligible person who is seeking habeas corpus relief. 18 U.S.C. § 3006A(a)(2)(B). “[T]he district court must evaluate the likelihood of success on the merits as

1 well as the ability of the petitioner to articulate his claims *pro se* in light of the complexity of the
2 legal issues involved.” *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983). Here, Pitrello
3 appears to articulate her claims relatively clearly. However, she pleaded guilty but mentally ill
4 to first-degree murder and was sentenced to a term of 20 years to life. Thus, in order to ensure
5 due process, I grant the motion for counsel.

6 I THEREFORE ORDER that Pitrello’s application to proceed *in forma pauperis* (**ECF**
7 **No. 1)** is **DENIED as moot**.

8 I FURTHER ORDER the Clerk of Court to detach, file, and electronically SERVE the
9 petition (ECF No. 1-1) on the respondents.

10 I FURTHER ORDER the Clerk to add Aaron D. Ford, Nevada Attorney General, as
11 counsel for the respondents and to provide the respondents an electronic copy of all items
12 previously filed in this case by regenerating the Notice of Electronic Filing to the office of the
13 Attorney General only.

14 I FURTHER ORDER the Clerk to detach and electronically file the petitioner’s motion
15 for appointment of counsel (ECF No. 1-2).

16 I FURTHER ORDER that the motion for appointment of counsel (**ECF No. 1-2)** is
17 **GRANTED**.

18 I FURTHER ORDER that the Federal Public Defender for the District of Nevada (FPD)
19 is appointed to represent Pitrello.

20 I FURTHER ORDER the Clerk of Court to electronically serve the FPD a copy of this
21 order, together with a copy of the petition for writ of habeas corpus (ECF No. 1-1). The FPD has
22 30 days from the entry of this order to file a notice of appearance or to indicate to the court its
23 inability to represent Pitrello in these proceedings.

1 I FURTHER ORDER that after counsel has appeared for Pitrello in this case, the court
2 will issue a scheduling order that will, among other things, set a deadline for the filing of an
3 amended petition.

4 Dated: July 29, 2022



U.S. District Judge Andrew P. Gordon